

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 8-8-74 by deft.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>RUTH K. DOWELL, individually and as Executrix of the Estate of H. B. Dowell, deceased</p> <p>v.</p> <p>UNITED STATES OF AMERICA</p>		<p>For plaintiff: J. Denny Moffett Ted M. Riseling <i>See below</i> 596 5680 Conner, Winters, Ballaine, etc. 2400 First National Tower Tulsa, Oklahoma 74103</p> <p>For defendant:</p> <p>Nathan G. Graham Robert P. Santee</p> <p>John F. Murray, Tax Division Dept. of Justice Washington, D. C. 20530</p> <p>John G. Truelson, Tax Division Dept. of Justice <i>20 71 12 1</i> 8E2 Federal Office Bldg., Dallas, Tx. 75202</p> <p><i>Scott H. Chapman, Asst. Atty. Gen.</i> <i>General</i></p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>7-1-74</i>	Clerk	6-6-74	Conner	1500	
		6-13-74	C/D No. 49		15 00
J.S. 6 mailed <i>10-1-75</i>	Marshal				
Basis of Action: Requested refund of overpayment of 1971 income taxes	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-6-74	1. COMPLAINT filed, SUMMONS issued.jj	
6-7-74	Summpns, ret. & filed: served U.S. Atty, Tulsa, Ok., and two copies to Atty. Gen, Dept. of Justice by certified mail. (USM \$3.00)g	
8-5-74	2. Answer, filed.k	
8-8-74	3. Jury demand by deft., filed. g	
9-4-74	MO: Parties are directed to hold a pre trial conference on or before 10-16-74 & file pt order on or before 10-23-74. (AEB-J)k copies sent by certified mail	
9-9-74	4. Deft's interrogatories to plaintiff, filed.g	
9-16-74	5. Pltf's interrogatories to deft., filed. k	
10-4-74	6. Pltf's ans. to interrogatories, filed. lm	
10-25-74	7. Stipulation of facts, filed. rm	
11-4-74	MO: Ordered by the Court that deft. is allowed to withdraw request for jury trial. (AEB-J)g	
11-6-74	8. Deft's response to pltf's interrogatories, filed. g	
11-7-74	9. Pre-Trial Order, filed. (AEB-J)v -copies mailed.	
11-8-74	10. Deft's supplement to response to pltf's interrogatories, filed, hm with affidavit.	
11-8-74	11. Deft's notice to take deposition, filed. Subpoena issued. hm	
11-11-74	Depositions of Ruth K. Dowell, Clifton L. Taulbert & Ronald R. Smith taken on behalf of deft. on 10-11-74 before Evelyn E. Rutherford, LSR in OK w/ fees of \$159.00 paid by deft. k	
1-28-75	MO: ORDERED BY THE COURT that this case is set for Non-Jury Trial on February 3, 1975, at 10:00 A.M. (AEB-J)v -notices mailed.	
1-29-75	MO: Case is stricken from non-jury trial docket of 2-3-75. Parties are directed to file, within 15 days, simultaneous briefs on the question of witnesses named in the Pretrial Order. The Court is specifically interested in the briefs covering the relevancy of testimony of witnesses with reference to agreements and statements made in connection with their occupancy of quarters in the ORU Retirement Village. (AEB-J)k cps mld	
2-13-75	12. Deft's Memorandum concerning the relevancy of testimony of witnesses, filed.k <i>copy to MC</i>	
2-13-75	13. Pltf's Memorandum concerning the relevancy of testimony of witnesses, filed.jj copy to MC	
2-14-75	MO; Ordered by the Court that this case is set for Non-Jury Trial on Mon, 3-17-75 at 9:30 a.m. (AEB-J)k notices by cert. ml	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-18-75	14 Order, filed, amending pretrial order by deleting Mrs. C. C. Ingram, Chas. Ingram, Mrs. Clara Calvin & Mr. Wallingford from list of witnesses. (AEB-J)g <i>quash</i>	
3-10-75	15 Trial Memorandum for the Deft., filed.jj	
3-11-75	16 Trial Brief of Pltf., filed. lm	
3-12-75	17 Motion to quash subpoena and to supplement PT order, filed. lm	
3-12-75	18 Brief in support of pltf's Motion to quash subpoena and to supplement the PT order, filed. lm	
3-12-75	MO: It is ordered by the Court that deft. is given 10 days from this date to file a response to pltf's Motion to quash subpoena and to supplement pre-trial order. lm	
3-12-75	19 Order, filed, that this case is stricken from the trial docket of 3-17-75. Further ordered that Deft. has 15 days to supply Pltf. w/copies of documents to be used at trial. Pltf. will then have 30 days thereafter to interview witnesses Deft. intends to use & to review documents. Further ordered that w/in 20 days thereafter parties are to submit a full & complete pretrial order. (AEB-J)v -copies mld.	
3-24-75	20 Deft's notice to take deposition of Dan White on 4-1-75, filed. g	
4-2-75	21 Deft.'s Response to Pltf.'s Mot. to Quash Subpoena & to Supplement the Pretrial Order, filed. v	
4-10-75	22 Pltf's notice of intention to take oral deposition of Rod Donica at 11:00 a.m., 4-14-75 at Tulsa, OK , filed.k	
4-23-75	Deposition of Dan T. White taken on 4-8-75 before Raburn Mason, Court Reporter, with costs of \$73.75, filed. Depo. was not in sealed envelope. v	
5-16-75	23 Pltf's proposed Pre-Trial Order, filed. b	
5-16-75	24 Deft's proposed Pre-Trial order, filed. b	
6-20-75	Deposition of Rod Donica on behalf of the Pltf, James C. Hickerson taken . Fess of \$99 paid by the Plaintiff. James C. Hickerson, CSR. mm	
6-26-75	MO: Case set for N/J trial on 8-7-75, at 10:00 A.M.(AEB-J)b nts mld/w copy of affidavit to be filed.	
7-25-75	25 Trial brief of Pltf., filed. g	
7-30-75	26 Letter from Dept. Justice re pretrial order, filed. g	
8-1-75	MO: It is ordered by the court that case is stricken from 8-7-75, N/J docket and re-set on 8-19-75, at 10:00 A.M.(AEB-J)b ltr mld	
8-15-75	27. Pltf's list of witnesses, filed. lm	
8-15-75	28. Pltf's affidavit re witnesses and exhibits, filed. lm	
8-18-75	MO: It is ordered by the Court that Don Moyers is allowed to appear as amicus curiae at trial set on 8-19-75.(AEB-J)b	
8-18-75	29. Mtn. for Leave to Appear as Amicus Curiae filed by Don Moyers.jj	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-21-75	Case tried to the Court Aug. 19, 20 & 21, 1975. Parties present and represented and announce ready; Mr. Jim Kincaid & J. Denny Moffett, III, for Pltf. & John Truelson & Wm. Guild for deft. Mr. Don Moyers appearing as amicus curiae. Rule invoked. Parties agree to stipulations. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Pltf's brief on admissibility of summaries, filed in open court. Court closed to public & record to be sealed for portion of Mr. Ron Smith's testimony. Pltf. rests. Deft's mo/directed verdict denied. Deft. presents case in chief w/test. of witnesses. Deft. offers deposition of Rod Donica into evidence, with exception of following parts which are deleted: Page 5, lines 4 thru 8; page 32, lines 1 thru 6; and page 39, lines 5 thru 18, and rests. Deft. makes offer of proof of Mr. Wallingford's testimony after resting; pltf. objects & court sustains objection. Deft's mo/directed verdict overruled. (AEB-J)hm	
8-21-75	Pltf's brief on admissibility of summaries, filed in open court.hm	
8-21-75	Trial exhibits, filed. (in exhibit room)hm <i>(sealed as in vault - next with file)</i>	
8-22-75	MO: Parties are directed to file proposed Findings of Fact and Con-	
	clusions of Law within (10) days. (AEB-J)k cps mld	
9-2-75	MO: It is ordered by the Court that parties are given a five (5)	
	day extension to file Findings of Fact and Conclusions of	
	Law.(AEB-J)b ltr mld. <i>Rest as filed by pltf.</i>	
9-5-75	Pltf's application for an order of the Court correcting erroneously	
	marked exhibit, filed. b 0 to J	
9-8-75	32. Def. proposed FF & CL, filed. rm	
9-8-75	33. Plaintiff's Proposed Findings of Fact & Conclusions of Law, filed.	
	mm	
9-8-75	34. Order, filed, that record is modified to reflect that pltf.'s	
	Exh. 27 is also marked def. Ex. 24 and is admitted into evidence;	
	and that exh. currently marked pltf. 34 and def. 24 is not	
	admitted into evidence.(AEB-J)rm-copies md.	
9-10-75	Reporter's Transcript of Proceedings had on 8-19,20, & 21-75, Vol. I,	
	filed. rm	
9-10-75	Reporters Transcript of Proceedings had on 8-19,20,&21-75, Vol. II,	
	filed. rm	
9-10-75	35. Findings of Fact and Conclusions of law, filed and entered.(AEB-J)js	
9-10-75	36. Judgment, filed and entered, that pltf. recover of def., USA,	
	the sum of \$3,648.03, w/int. as provided by law and costs.(AEB-J)js	
9-22-75	37. Bill of Costs, filed. Taxation set for 10-2-75 at 10:00 a.m. v	
9-25-75	38. Opposition of def. to pltf. bill of costs, filed. rm	
9-25-75	39. Memo. of def. in support of opposition to bill of costs, filed.rm	
9-25-75	Minute: Bill of costs hearing reset for 10:00 a.m., 10/14/75 before	
	the Clerk.(JCS-Clk)rm-letter	
10-14-75	40. Bill of Costs taxed in the Amount of \$2,069.27.mm	
10-14-75	41. Plaintiff's Memorandum in Response to Dft's Opposition to Pltf's	
	Bill of Costs, filed. mm	
10-16-75	42. Deft's Motion for Review of Costs, filed. mm	

continued

CIVIL DOCKET CONTINUATION SHEET

Barrow

PLAINTIFF Ruth K. Dowell	DEFENDANT USA	DOCKET NO. <u>74-C-247</u> PAGE <u>5</u> OF <u>3</u> ^{Sheets} PAGES
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DATE	NR.	PROCEEDINGS
10-16-75	43.	Deft's Memorandum in Support of its Opposition to Pltf's Bill of Costs, filed. mm
10-16-75	MO	Ordered by the Ct. that the Pltf. file a responsive brief within 10 days to the Deft's Motion for Review of Costs. (AEB-J) cps mld mm
10-30-75	44	Pltf's brief in response to deft's memorandum in support of its opposition to pltf's Bill of Costs, filed. g
11-7	45.	Notice of Appeal, filed.jj
12-9	46.	Deft's motion for 90 days from 11-7-75 to transmit record on appeal, filed.k
12-11	47.	Order, filed, granting appellant to 2/5/76 to transmit record on appeal.(AEB-J)rm copies to counsel & USCA
1-27-76		Appeal record (5 vols.) sent to USCA. g
5-23-77		Mandate and Opinion of 10th Circuit, filed and spread of record, affirming Court's judg. of 9/10/75. rm
5-31		Original appeal record (5 vols., + suppl. Vol. I, + exhibits sealed) recd. from 10th Circuit. rm
8-1-77		Order on deft's mot. for review of costs, filed: costs properly taxed in favor of pltf in sum of \$2,069.27. (AEB-J)g cp mld.
12-21-77		Satisfaction of judgment. fld. ho
3-1-79		Pltf. Ex. 29 (sealed) returned to counsel for pltf. at request of James Kincaid. g <i>(given to Ben Hagar)</i>
3-4-83	--	EXHIBITS returned to counsel. hm

PLAINTIFF

DEFENDANT

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE _____

NR.

PROCEEDINGS